

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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SANDRA DORRELL and PHILLIP A.	:	
WILKINSON, individually and on behalf of	:	
a class of all others similarly situated,	:	
	:	
<i>Plaintiffs,</i>	:	
	:	Civil Action No. 3:16-cv-01152-N
- against -	:	Hon. David C. Godbey
	:	
PROSKAUER ROSE, LLP, and	:	
THOMAS V. SJOBLUM,	:	
	:	
<i>Defendants.</i>	:	
	:	
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DEFENDANT PROSKAUER ROSE LLP'S
OPPOSED MOTION FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL
AUTHORITY IN FURTHER SUPPORT OF MOTION TO DISMISS

Defendant Proskauer Rose LLP (“Proskauer”) respectfully submits this motion for leave to file the attached notice of supplemental authority (Exhibit A) in further support of its motion to dismiss plaintiffs’ complaint. As set forth in Exhibit A, Proskauer’s proposed notice of supplemental authority informs the Court of a recent decision from Austin Court of Appeals, Farkas v. Wells Fargo Bank, N.A., No. 03-14-00716-CV, 2016 WL 7187476 (Tex. App.—Austin, Dec. 8, 2016, no pet. h.), which was not available to the parties during briefing on Proskauer’s motion to dismiss and which relates to issues presented in that motion. For the foregoing reasons, Proskauer respectfully requests that the Court grant leave to file the attached Notice of Supplemental Authority.

Dated: December 16, 2016

Respectfully submitted,

CARRINGTON, COLEMAN,
SLOMAN & BLUMENTHAL, L.L.P.

DAVIS POLK & WARDWELL LLP

By: /s/ Neil R. Burger

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CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2016, I electronically transmitted the foregoing document and its exhibits to the Clerk of the Court using the ECF system for filing. A Notice of Electronic Filing was transmitted to all ECF registrants.

/s/ James P. Rouhandeh
James P. Rouhandeh

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules of Civil Procedure 7.1(a) and 7.1(b), on December 16, 2016, counsel for Proskauer (Craig M. Reiser) advised counsel for plaintiffs (Edward C. Snyder, Douglas J. Buncher, Judith R. Blakeway, and David N. Kitner) via email of Proskauer's intent to file this motion, asking that plaintiffs respond if they did not plan to oppose the motion. Plaintiffs did not respond to Mr. Reiser's email, and, as a result, Proskauer's understanding is that plaintiffs oppose the motion.

/s/ James P. Rouhandeh
James P. Rouhandeh